

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Monday, March 26, 2018 9:00am



The Honorable William “Bill” Edwards, Mayor (absent)
The Honorable Mark Baker, District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1, Councilmember (absent)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (absent)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)

SPECIAL CALLED MEETING MINUTES

1. Call to Order/Roll Call

The meeting was called to order by Mayor Pro Tem Baker at 9:07 am. Following the roll call by the City Clerk, a quorum was present.

2. Consideration of a Resolution to oppose HB 1063

Mayor Pro Tem Baker asked City Attorney Emilia Walker to discuss the implications of HB 1063 and its impact on the City Council’s authority. She passed out and reviewed a document titled Proposed Charter Amendments per House Bill 1063.

A motion was made by Councilmember khalid and seconded by Councilmember Jackson to pass/approve Res2018-020 (attached),

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opposing HB 1063 currently being considered by the Georgia General Assembly. Mayor Pro Tem Baker, and Councilmembers Gumbs, Gilyard, Jackson and khalid voted yea. Councilmembers Rowell and Willis were absent. Therefore, the motion passed, 5-0-0.

3. Adjournment

A motion was made by Councilmember khalid and seconded by Councilmember Jackson to adjourn the meeting. The motion passed, 5-0-0.

Hearing no objections, the meeting adjourned at 9:17am.

Mark Massey, City Clerk

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION No. 2018-020

**A RESOLUTION BY THE GOVERNING AUTHORITY OF THE CITY OF
SOUTH FULTON IN OPPOSITION TO HOUSE BILL 1063**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS the City was afforded through its Charter the ability to:

“Create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions.” HB 514, Ga. Leg. Sess. 2016-2017, Sec. 7.16(8).

WHEREAS, the General Assembly has continuously recognized the need for cities across Georgia to ensure effective governance through such personnel oversight:

<u>Alpharetta Charter, Art. III, Sec. 3.16, Personnel policies:</u> “The city council may adopt rules and regulations consistent with this charter concerning: (1) the method of employee selection and probationary periods of employment; and ... such other personnel policies as may be necessary to provide for adequate and systematic handling of personnel affairs.”	<u>College Park Charter, Art. IV, Sec. 4-7, Powers, duties:</u> “Subject to the control, direction and supervision of the mayor and council, the city manager shall have power and it shall be his duty...to recommend to the mayor and council for appointment as required department heads for departments authorized by the mayor and council.”
<u>Hapeville Charter, Chapter 3, Personnel, Sec. 4-301(b):</u> “The mayor and council shall adopt by ordinance rules and regulations to govern the classification of positions, appointment, promotion, transfer, layoff, removal and discipline of employees, employee qualifications, terms and conditions of employment, retirement and benefits, and other measures that promote the hiring and retaining of capable, diligent, honest, career employees.”	<u>Union City Charter, Art. IV, Sec. 4-204. - Other officers; appointments; duties...:</u> “(a) In addition to other appointments, the City Manager shall provide only a recommendation to the mayor and council” for department head and officer appointments. “These officers shall serve at the discretion of the mayor and council and shall perform such duties and exercise such responsibilities as the mayor and council, by ordinance, may prescribe.”
<u>Roswell Charter, Art. Ch.4.60, Personnel Policies:</u> “The city council may adopt rules and regulations consistent with this Charter concerning...the method of employee selection and probationary periods of employment.”	<u>Milton Charter, Art. II, Gov.’t Structure, Sec. 3.25:</u> “The city manager shall...have the authority to hire persons to act as department heads or directors and ...suspend or remove any city employees ... <i>except as otherwise provided by law or personnel ordinances.</i> ”

WHEREAS, personnel oversight is especially critical for cities in transition who must not only ensure that the foundation of their government is properly supported, but have the ability to address exigent issues during the transition phase;

WHEREAS, House Bill 1063 unjustly strips the above common personnel powers from the City Council, substantially limiting its ability to weigh in and vote on critical agency decisions;

WHEREAS, House Bill 1063 was presented to the General Assembly at the last minute, hastily and without consultation with the City Council;

WHEREAS, House Bill 1063 interrupts and interferes with recent and great achievements by the City Council, including the smooth transition of fire services, the flawless transition of police services and the adoption of a multitude of ordinances and resolutions from budgetary controls to solid waste management;

WHEREAS, the City Council has taken actions, including approving the appointment of a new City Manager, in good faith and without knowledge that the City Council's powers would be abridged by an act of the General Assembly;

WHEREAS, House Bill 1063 jeopardizes the City's ability to oversee its vision.

WHEREAS, House Bill 1063 is impulsively put together and ill-introduced with minimal time for proper legislative consideration;

WHEREAS, House Bill 1063 is an affront to the very principle that the government closest to the people serves the people best; and

WHEREAS, House Bill 1063 is harmful and detrimental to the City, the citizens of the City of South Fulton and the general public.

BE IT HEREBY RESOLVED, that the governing authority of the City of South Fulton, Georgia, hereby expresses its strong opposition to House Bill 1063 and respectfully asks the General Assembly to vote against its adoption. The City Clerk is hereby directed to promptly email, this day, a copy of this adopted Resolution to the members of the Georgia Senate.

The foregoing Resolution No. **2018-020** was adopted on **March 26, 2018** was offered by Councilmember **khalid kamau**, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker,	_____	_____
Mayor Pro Tem		

THIS RESOLUTION so adopted this **26th** day of **March 2018**. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

PROPOSED CHARTER AMENDMENTS PER HOUSE BILL 1063:
(Deleted language **bolded** and underlined below)

CHARTER SEC. 3.25
Powers and Duties of the City Manager

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief administrative officer, the city manager shall:

(1) Have the authority to hire persons to act as department heads or directors and fill other positions designated by ordinance or resolution and appoint and, when the city manager deems it necessary for the good of the city, suspend or remove any city employees and administrative officers the city manager hires or appoints, except as otherwise provided by law. **or personnel ordinances adopted pursuant to this charter.**

CHARTER SEC. 7.16
Transition

(c) During the transition period, the governing authority of the City of South Fulton:

...

(8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and